

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:07CR284 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| TELESFORO LUENGAS-PAELAS, |) | PRELIMINARY ORDER |
| |) | OF FORFEITURE |
| |) | |
| Defendant. |) | |

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 27). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts II and III of the Indictment. Count II of the Indictment charges the Defendant with possession of document-making implements with the intent such document-making implements be used in the production of false identification documents, a violation of 18 U.S.C. § 1028(a)(5). Count III of the Indictment seeks forfeiture, pursuant to 18 U.S.C. § 1028(b)(5), of the following properties:

- a. One HP Photosmart Printer,
- b. One Lap Top Computer,
- c. One Hard Drive Tower,
- d. Three Digital Cameras, and
- e. One Canon Battery Charger

on the basis these items were used or were intended to be used in any manner to promote the commission of the violation of 18 U.S.C. § 1028(a)(5) charged in Count II.

2. By virtue of his plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of the properties, pursuant to 21 U.S.C. § 853.

IT IS ORDERED:

- A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 27) is granted.
- B. Based upon Counts II and III of the Indictment and the Defendant's plea of guilty, the United States Marshal for the District of Nebraska ("Marshal") is hereby authorized to seize the properties described in Count III: one HP Photosmart Printer, one Lap Top Computer, one Hard Drive Tower, Three Digital Cameras, and a Canon Battery Charger.
- C. The Defendant's interest in these properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
- D. The aforementioned forfeited properties are to be held by the Marshal in his secure custody and control.
- E. Pursuant to 21 U.S.C. § 853(n)(1), the Marshal shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of the Marshal's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties

must file a Petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

- F. The published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.
- G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.
- H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 7th day of January, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge